

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2012-393-C - ORDER NO. 2013-42
JANUARY 29, 2013

IN RE: Application of Birch Telecom of the South,)	ORDER APPROVING
Incorporated d/b/a Birch Communications,)	AMENDMENT TO
and Using the Trade/Brand Name "Now)	APPLICATION AND
Communications" for Designation as an)	WAIVING ADDITIONAL
Eligible Telecommunications Carrier in the)	PUBLICATION OF
State of South Carolina)	NOTICE

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion of Birch Telecom of the South, Inc., doing business as Birch Communications ("Birch") and Now Communications, LLC ("Now" or "Now Communications") (collectively, "the Company") to amend its Application in this Docket. The Company seeks to amend its Application to reflect that its prepaid wireless Lifeline service will be provided, if the amended Application is approved, by a separate legal entity known as Now Communications. Therefore, Birch requests that the ETC status originally requested in the first Application in this Docket be granted to Now Communications, rather than Birch.

After the original Application was filed in this Docket, the ultimate owners of Birch decided to form Now Communications as a Georgia limited liability company to provide prepaid Lifeline services. Birch will not provide Lifeline services as an ETC in any State. Now is in the process of registering with the Federal Communications Commission ("FCC") and other State Commissions for the appropriate authority.

According to the Motion, Now will utilize the same management and day-to-day operational personnel as currently utilized by Birch. Birch's current corporate officers will also be corporate officers of Now Communications. Now will be owned by the same ultimate owners of Birch, but will not be part of the Birch corporate family.

Further, Now will utilize the same procedures and operations set forth in the Birch Compliance Plan for its provision of prepaid wireless Lifeline service, and will use the same draft application and verification forms attached to the Birch Compliance Plan.

The Company notes that Birch has published the Notice of Filing and Hearing which included the use of the trade name "Now Communications." Accordingly, the Company contends that the public has been given notice of the use of the new corporate entity's name, so it requests that Now Communications not be required to publish another notice.

The Office of Regulatory Staff does not object to the Motion. Further, no extension of any prefiling deadlines or the hearing date is being sought.

Under the circumstances described by the Company, we grant the Motion to Amend the Application as filed. No party opposes the Motion. We also believe appropriate notice has been given to the public, since the name of the new Company, Now Communications, appeared in that original notice. Accordingly, we grant waiver of the publication of a revised notice in this matter.

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This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


David A. Wright, Chairman

ATTEST:


Randy Mitchell, Vice Chairman

(SEAL)